

Message Text

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ACTION IO-11

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FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 6135

INFO AMEMBASSY ALGIERS

AMEMBASSY MADRID

AMEMBASSY NOUAKCHOTT

AMEMBASSY RABAT

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E.O. 11652: N/A

TAGS: PFOR UN SS

SUBJ: SAHARA

FOLLOWING IS TEXT OF JOINT MOROCCAN-MAURITANIAN
PRESS RELEASE OF MARCH 1, CONCERNING SHARA:

QTE: PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF MAURITANIA
TO THE UNITED NATIONS

PERMANENT MISSION OF THE KINGDOM OF MOROCCO TO THE UNITED
NATIONS

COMMON PRESS RELEASE

IN HIS PRESS CONFERENCE HELD AT THE HEADQUARTERS OF THE ORGANIZATION
ON FEBRUARY 26, 1976, THE SECRETARY GENERAL OF THE UNITED
NATIONS FOUND IT USEFUL TO SAY THAT THE INTERIM ADMINISTRATION
"DID NOT FULFIL THE CONDITIONS PRESCRIBED IN THE GENERAL
ASSEMBLY RESOLUTIONS WITH REGARD TO THE SELF-DETERMINATION OF
THE SAHARANS. THE SECRETARY GENERAL ADDED THAT EVEN IF HE
HAD COMPLIED WITH THE REQUEST OF MOROCCO AND MAURITANIA
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TO SEND AN OBSERVER TO ATTEND THE EXTRA-ORDINARY MEETING
OF THE JEMAA, THIS WOULD NOT HAVE "IN ANY CASE CONSTITUTED

AN IMPLEMENTATION OF THE GENERAL ASSEMBLY RESOLUTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT TO SELF-DETERMINATION BY THE POPULATION OF WESTERN SAHARA".

THIS PRESS CONFERENCE AND THE ANSWERS HE GAVE TO MOROCCO AND MAURITANIA SEEM TO IMPLY THAT THE POLICY OF THE SECRETARY GENERAL WITH REGARD TO WESTERN SAHARA DOES NOT QUITE FIT INTO THE FRAMEWORK OF RESOLUTIONS A AND B ADOPTED BY THE GENERAL ASSEMBLY. BECAUSE, IF WE TAKE RESOLUTION B AS A BASIS, WE WONDER AT THE SECRETARY GENERAL'S REFUSAL TO DESIGNATE A REPRESENTATIVE TO HELP IN THE CONSULTATION OF THE SAHARAN POPULATIONS THROUGH THE JEMAA. INDEED, THE TRIPARTITE AGREEMENT OF MADRID, ISSUED BY THE SECRETARY GENERAL IN DOCUMENT S/11880 AND REGISTERED AT THE SECRETARIATE IN CONFORMITY WITH ARTICLE 102 OF THE CHARTER, STIPULATES IN ITS PARAGRAPH 3 THAT THE OPINION OF THE SAHARAN POPULATION WILL BE EXPRESSED THROUGH THE JEMAA. IT IS PRECISELY THIS AGREEMENT, OR SHOULD WE RECALL, THAT WAS ACKNOWLEDGED BY THE GENERAL ASSEMBLY IN ITS RESOLUTION B AND FOR THE IMPLEMENTATION OF WHICH IT REQUESTED THE ASSISTANCE OF A REPRESENTATIVE OF THE SECRETARY GENERAL. HENCE THERE SHOULD BE NO DOUBT REGARDING THE MODALITIES OF THE CONSULTATION THAT IS PROVIDED FOR IN PARAGRAPH 4 OF RESOLUTION B.

THEN TO CONSIDER THAT THE HOLDING OF THE EXTRAORDINARY MEETING OF THE JEMAA, UNDER DISCUSSION, AND THE ASSISTANCE OF A REPRESENTATIVE OF THE SECRETARY GENERAL FOR THIS PURPOSE, CANNOT CONSTITUTE "IN ANY CASE AN IMPLEMENTATION OF THE PROVISIONS OF THE GENERAL ASSEMBLY RESOLUTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT OF THE SAHARAN POPULATION TO SELF-DETERMINATION", IS TO GIVE AN INTERPRETATION THAT IS BASED NEITHER ON THE MADRID AGREEMENT NOR ON RESOLUTION B WHICH TOOK NOTE OF THIS AGREEMENT.

IF, ON THE CONTRARY, WE REFERE EXCLUSIVELY TO RESOLUTION A, IT IS VERY DIFFICULT TO ASSERT THAT IT HAS GIVEN A PRECISE DEFINITION OF THE PRACTICAL MODALITIES OF THE INTENDED CONSULTATION, A DEFINITION THAT ALLOWS THE SECRETARY GENERAL TO CONSIDER THAT MOROCCO AND MAURITANIA HAVE NOT
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FULFILLED THE CONDITIONS. ONE CAN VENTURE TO THINK THAT THIS RESOLUTION CONTAINS DELIBERATELY AN AMBIGUITY SO THAT THE ACT OF SELF-DETERMINATION CAN BE PERFORMED IN MANY WAYS AND ESPECIALLY THROUGH THE REPRESENTATIVES OF THE POPULATION. MOREOVER THE PRACTICE OF THE GENERAL ASSEMBLY REGARDING THE IMPLEMENTATION OF THE PRINCIPLE OF SELF-DETERMINATION IS OF SUCH A VARIETY THAT THIS ACT IN ITSELF HAS HAD UP TO NOW AS MANY INTERPRETATIONS AS THERE HAVE BEEN SPECIFIC SITUATIONS. IT MAY NOT BE INTERPRETED IN A SYSTEMATIC MANNER AS MEANING "POPULAR CONSULTATION", AN EXPRESSION USED BY

THE SECRETARY GENERAL IN HIS PRESS CONFERENCE.

TO RELY ON THE ARGUMENT ACCORDING TO WHICH SELF-DETERMINATION
OR THE "POPULAR CONSULTATION" IS THE COMMON ELEMENT TO BOTH
RESOLUTIONS A AND B, THUS THE ONLY ELEMENT TO KEEP IN MIND IS
TO ERR OUT OF SIMPLICITY BECAUSE THE GENERAL ASSEMBLY RESOLUTIONS
ARE AN INDIVISIBLE WHOLE. NOT TO TAKE INTO ACCOUNT THIS
CHARACTER OF INDIVISIBILITY IS TO GIVE LITTLE IMPORTANCE
TO THE LETTER OF THESE RESOLUTIONS AND TO THE SPIRIT IN WHICH
THEY HAVE BEEN ELABORATED. IF THE SECRETARY GENERAL CONSIDERS
THESE TWO RESOLUTIONS AS CONTRADICTORY AND CONSEQUENTLY
VERY DIFFICULT TO IMPLEMENT, THIS MAY NOT BE ARGUED UPON.
BUT THAT HE WANTS TO SELECT, INTERPRETE AND IMPLEMENT SOME
DISPOSITIONS RATHER THAN OTHERS, THIS IS AN ATTITUDE CAPABLE
OF AROUSING A SCEPTICISM THAT MIGHT WELL BE JUSTIFIED.

NEW YORK, MARCH 1ST, 1976 UNQTE.

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